THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.27433 of 2006

Dated: 13.03.2007

Between:

Tulluru Kalagaiah and another.

.....
PETITIONERS

AND

The Government of A.P., rep. by its Secretary, Marketing Department, Secretariat, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.27433 of 2006

Order:

This writ petition is filed seeking to direct the respondents to continue the petitioners in service by regularizing their services as Security Guards in the 4th respondent-Agricultural Market Committee at Maddurupadu, Kavali, Nellore District, and to pay the minimum wages prescribed by the Government along with statutory benefits.

2. The admitted case of the petitioners is that they have been employed as Security Guards on contract basis in the 4th respondent-Agricultural Market Committee, through the 5th respondent security agency, which is a private organization. The 5th respondent, is said to have entered into an agreement with the 4th respondent to provide security to the Market Committee. The petitioners claim that they are entitled to minimum wages and their services also have to be regularized in the 4th respondent, and the official respondents be directed to regularize their services and pay them the minimum wages, as fixed by the Government.

3. Heard the learned counsel for the petitioners and the

learned counsel for the respondents.

4. The petitioners, admittedly, are neither engaged by the 4th respondent directly nor are they their employees. They are admittedly employees of the 5th respondent. They have been employed in the 4th respondent through the 5th respondent. Since the petitioners are not the employees of the 4th respondent, they cannot claim regularization in the 4th respondent. Any claim of regularization, can only be in the service of the 5th respondent and not any other, and that too not before this Court, but before the Labour Court under the Industrial Disputes Act, 1947. If the petitioners are not being paid the minimum wages by the 5th respondent for the services rendered by them in the 4th respondent, their remedy is to approach the authority under the Minimum Wages Act, 1948 and certainly, they can neither claim regularization of their services in the 4th respondent nor can they seek minimum wages from them, and more so when they are not directly employed by the 4th respondent.

6. With the observations as above, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 13.03.2007

sj